

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 28 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAVIER MOYA-ALEGRIA,

Defendant - Appellant.

No. 07-10054

D.C. No. CR-05-04030-1-JMR

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
John M. Roll, District Judge, Presiding

Submitted May 20, 2008<sup>\*\*</sup>

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Javier Moya-Alegria appeals from the 33-month sentence imposed following his guilty-plea conviction for possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(D).

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Moya-Alegria contends that the district court procedurally erred by failing to adequately explain its reasons for the sentence. This contention is belied by the record. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007).

Moya-Alegria also contends that the district court procedurally erred at sentencing by treating the Guidelines as mandatory and by not rendering its decision in a manner that explicitly analyzed the other factors contained in 18 U.S.C. § 3553(a). However, “[t]he district court need not tick off each of the § 3553(a) factors to show that it has considered them. We assume that district judges know the law and understand their obligation to consider all of the § 3553(a) factors, not just the Guidelines.” *United States v. Carty*, Nos. 05-10200, 05-30120, 2008 WL 763770, at \*5 (9th Cir. Mar. 24, 2008) (en banc).

**AFFIRMED.**